



Crimes Against Public Peace

Unlawful Assembly

Commonwealth v. Spearin

Supreme Judicial Court, April 27, 2006

G.L. c. 269, §§ 1 -8 do not apply to inmate riots occurring at county incarceration facilities, such as the house of correction.

Unlawful Assembly

The defendant was incarcerated at the Bristol County house of correction where he participated in an insurrection which caused extensive damage to the institution. The defendant was charged under G.L. c. 269, §§ 1 and 7 with building destruction while unlawfully assembled. G.L. c. 269 specifically proscribes riotous conduct "in a city or town" and mandates certain public officials to take action to suppress the uprising. The majority of officials designated have no authority to maintain security and order in houses of correction. Therefore, the Court ruled the statute does not apply to house of correction disruptions and reversed the defendant's conviction.